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19 41 **File No.** Land Records II/41

Legal DEPARTMENT

B. BRANCH

Std. Sect. TLG

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Subject:— Rules and notifications regarding the manual of rules and standing order relating to the duties and Supervision of Land Records Establishments in the Bombay Residency.

**File No.** Land Records II/41.

Std. Sectt. Slip 24 B e.

330-B.

3291
8-4-1941.

Submitted with reference to R.D. note dated 8-4-41 at p. 143 ante.

2. Rule 9 in Chapter IV at p-18 and rule.10 in Chap. V at p.23 of the Manual of Rules and Standing Orders relating to the Duties ans Supervision of Lnd Records Establishments in the Bombay Presidency lay down that the tippan books , preliminary surtey .soruments and other survey papers should not be sent out of the office Exeept by the special order of the Supdt., Land Records and that they should not also be produced in Court if certified copies serve the purpose of the Court according to para.132 of the High Court Circular Orders (now para 142 of Chapter I at p. 37 of the High Court Civil Manual. 1940 ). In this letter dated 22nd January 1941 at p. 139 ante the Settlement Commr. and Director of Land Records states that his deptt had always taken the view that the survey papers are public documents within the meaning of sec. 74 of the Indian Evidence Act, 1872 and that as such certified copies of these documents are admissible in evidence under sec.77 of the Evidence Act. But the Distt. Judge, Ratnagiri has expressed the view, which is confirmed by the R.L.A. in his opinion No. 2153 dated the 10th March 1941, that it is the function of the Court to decide whether a document is public document and whether the original should be called for . As pointed out in R.L.A.'s opinion No,1646 dated the 13th February 1940 the Court can

in any case insist upon the production of the original documents. In view of the legal position as stated above any requisition from a Court for production of original survey records will have to be complied with forthwith without waiting for the sanction of the Superintendent or any other authority. It is therefore proposed to amend the rules in question as shown in the draft amendments at p. 144 ante for laying down revised procedure for production of survey records in Courts. The R.L.A. is requested to state whether the draft amendments proposed at p. 144 ante are in order.

3. For the last sentence in rule 9 in Chap. IV at p. 18 and rule 10 in Chap. V at P. 23 of the Manual the following may be substituted, namely:-

"Provided that if they are required to be produced in original by a Court they should ~~in forthwith~~ be produced in original in the Court without the previous sanction of the Superintendent of Land Records. The witness producing them should also take with him and a certified copy and of the same after inviting the attention of the Court to the provisions of Section 77 of the Indian Evidence Act, 1872, and para 136 and 142 of Chap. I at p.37 of the High Court Civil Manual, 1940, request the Court to return the original to him and keep the certified copy for its record.

V.V.K.
24/4/1956.

Office of the R.L.A.

For the last sentence in rule 9 in Chapter IV at page 18 and rule 10 in Chapter V at page 23 of the Manual of Rules and Standing Orders relating to the Duties and Supervision of Land Records Establishemnts in the Bombay Presidency the following may be substituted, namely:-

If however they are required to be produced in original by a Court they should be produced in original in the Court without the privious sanction of the Superintendent of Land Records. But the witness producing them should take with him a certified copy of the same and after inviting the attention of the court to theprovisions of section 77 of theIndian Evidence Act, 1872 and paragraphs 136 and 142 of Chapter I at page 37 of he High Court Civil Manual, 1948, request the Court to return the original to him and kee, the certified copy for its records."

Sd/-P.N.M.
O.C. 10/6
Remembrancer of Legal Affairs.

U.R. to R.D. , No. 5308 ; dated the 13th June 1941.

V.V.K.
24/4/56.

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